Committee: Legal Committee (GA6)

Topic: Ensuring the compliance of Signatory States to the Fourth Geneva Convention

Student Officer: Vasiliki Lentoudi

Position: Co-Chair

Personal Introduction

Dear Delegates,

Welcome to the 13th annual session of the CSMUN! My name is Vasiliki Lentoudi, and I have the

utmost honour to serve as a Co-Chair in the Legal Committee (GA6) of this year's CSMUN conference.

I am 16 years old and I attend the Deutsche Schule Athen. I have been participating in MUN

conferences for 4 years, and I must admit that every single one of them is undoubtedly a unique

experience for me.

First and foremost, I would like to congratulate all delegates for making their way into the amazing

world of MUN, which will provide you with extraordinary experiences, a large number of strong

friendships, and great political and general knowledge of current affairs and issues that affect

humanity and our society globally. Having participated in a variety of conferences, I can assure you

that MUN not only contribute to the academic future of an individual, but it may also affect the

evolution of one's personality and character.

If this is your first time participating in an MUN conference, I would like to first of all welcome you all

to the CSMUN community and encourage you to participate as much as you can. I assure you that, in

the GA6 committee, you will feel welcome. In this study guide, I aim to concentrate on the second

topic of this year's GA6, namely "Ensuring the compliance of Signatory States to the Fourth Geneva

Convention". I am going to try my best to provide you with as much information as possible. In

addition to that, I encourage you all to conduct research aside from this guide and learn about your

country's policy so that you can participate well during the debate and procedure of the conference.

For further information or questions that may arise while reading the study guide, feel free to contact me via email at lentoudi.vasiliki@gmail.com. I am looking forward to the 13th CSMUN conference and meeting you all!

Best regards,

Vasiliki

Topic Introduction

The Geneva Conventions that were adopted on 12th of August 1949 by some specific signatory states, at diplomatic conferences convened by the Swiss government on the initiative of the International Committee of the Red Cross (ICRC)¹, form the foundation of modern international humanitarian law. The main reason these treaties were established was the need to respond to the atrocities of World War II. In addition to that, through these treaties it became possible for the Signatory States to mitigate the consequences of armed conflicts, especially for those who did not participate directly in any hostilities.

There are four Geneva Conventions and three other additional protocols, with the fourth one being the first that does not deal with combatants; rather, it was established to address the Protection of Civilian Persons during times of war and military occupation². One of the most significant aspects of the Fourth Geneva Convention is its universality, since it has been ratified by 196 states, making it one of the most widely accepted legal instruments in the whole world. Despite this, there has always been a persistent problem of non-compliance, since violations of the Convention's provisions have been really frequent in not only past but also recent and ongoing conflicts. Such violations have extreme consequences for civilians, with examples such as mass civilian casualties, forced displacement, and destruction of critical civilian infrastructure. The non-compliance with the Fourth Geneva Convention also results in the undermining of international humanitarian law and its authority.



¹United Nations. "IV GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR OF 12 AUGUST 1949 PART I General Provisions A." Welcome to the United Nations, https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.33 GC-IV-EN.pdf. Accessed 30 July 2025.

²International Committee of the Red Cross. "Convention (IV) Relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949." *Icrc.org*, 12 Aug. 1949, <u>ihl-databases.icrc.org/en/ihl-treaties/gciv-1949</u>.

Taking all the information above into consideration, it goes without saying that the topic of "Ensuring the Compliance of Signatory States to the Fourth Geneva Convention" is a very important one. Because the primary aim of this convention is to ensure the humane treatment of civilians in conflict zones, it has successfully managed to establish standards for the protection of human life and dignity, while it is completely against collective punishment and obligates states and powers to act to maintain the public order. Doing our best as a society to ensure its compliance not only benefits the protection of the civilians, but it also preserves the rule of law in international relations.

Definition of key concepts

Fourth Geneva Convention

The Fourth Geneva Convention is an international treaty that aims to protect civilians during times of war and military occupation. It has established a specific set of rules to ensure the humane treatment of civilians and non-combatants.³

International Humanitarian Law (IHL)

"The International humanitarian law (IHL) is a set of rules that seek to limit the effects of armed conflict, while it aims to lay out the responsibilities of states and non-state armed groups during an armed conflict."

Grave Breaches

"Any wilful act or omission which seriously endangers the physical or mental health or integrity of any person which is in the power of a party other than the one on which he depends and which either violates any of the prohibitions of any Convention."



³Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), 12 August 1949. United Nations Office on Genocide Prevention and the Responsibility to Protect, https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.33_GC-IV-EN.pdf. Accessed 5 Aug. 2025.

⁴European Commission. "International Humanitarian Law." *Civil-Protection-Humanitarian-Aid.ec.europa.eu*, 2024,

<u>civil-protection-humanitarian-aid.ec.europa.eu/what/humanitarian-aid/international-humanitarian-law_en.</u>

⁵International Committee of the Red Cross. "Annex 1: Grave breaches specified in the four Geneva Conventions of 1949 and in Additional Protocol of 1977." ICRC,

War Crimes

"War crimes are crimes that hold individuals legally and criminally accountable for violent acts committed during a conflict between two or more nations, regardless of one's background or the time that has passed since committing one. War crimes are among the gravest crimes in humanity." 6

Occupying Power

"An occupying power is defined as a victorious state that acquires the legal right to administer and implement its policies in a territory that it has occupied through military conquest or surrender." ⁷

Non-State Armed Groups (NSAG)

"A non-state armed group (NSAG) is an armed entity that operates independently of state governments and engages in armed conflict or insurgency. These groups are often referred to as non-state actors or non-state armed actors and can take various forms, ranging from rebel groups, militias, and insurgent factions to terrorist organisations and paramilitary forces."

Asymmetrical Conflict

"An asymmetric conflict is characterised by the imbalance between the military capacity of the warring parties (e.g. in terms of weapon technology, equipment, intelligence information and number of troops)."

⁹International Committee of the Red Cross. "Asymmetric Warfare." ICRC Casebook, 2025, http://casebook.icrc.org/a to z/glossary/asymmetric-warfare#:~:text=An%20asymmetric%20conflict%20is%20 characterized,information%20and%20number%20of%20troops. Accessed 30 July 2025.



https://www.icrc.org/sites/default/files/external/doc/en/assets/files/2012/att-grave-breaches-gc-and-ap-annex-1-icrc.pdf. Accessed 30 July 2025.

⁶BBC. "BBC - Ethics - War: War Crimes." *Www.bbc.co.uk*, 2014, <u>www.bbc.co.uk/ethics/war/overview/crimes_1.shtml</u>.

⁷Chiang, Frank. "US Policy on Taiwan." *Elsevier EBooks*, 1 Jan. 2018, pp. 305–316, www.sciencedirect.com/topics/social-sciences/occupying-power,

https://doi.org/10.1016/b978-0-08-102314-3.00010-0. Accessed 16 July 2025.

⁸"Non-State Armed Group | DONARE." *Donare.info*, 2022, <u>donare.info/en/glossary/non_state_armed_group</u>. Accessed 16 July 2025.

Proxy Conflict

"A military conflict in which one or more third parties directly or indirectly support one or more state or nonstate combatants in an effort to influence the conflict's outcome and thereby to advance their own strategic interests or to undermine those of their opponents." 10

Background Information

Historical Background

Pre-1949 Legal Framework and Gaps in Civilian Protection

Before the adoption of the Fourth Geneva Convention in 1949, which was the first piece of international convention law that didn't focus on combatants, the existing body of international humanitarian law (IHL) only referred to the conduct of war between armed forces. The earlier Geneva Conventions - the ones that were established in 1864, 1906, and 1929 - dealt particularly with the treatment of wounded soldiers and prisoners of war. Even though these treaties represented important steps in forming effective laws of war, they provided no comprehensive protection for civilians caught in the crosshairs of armed conflict, which often resulted in extreme inhumane treatment. This proved disastrous during the two World Wars, especially the Second World War, when civilians were deliberately targeted, forcibly displaced, and subjected to mass internments and atrocities. The failure of the international community to prevent or respond rapidly to these abuses prompted calls for a new legal framework that would explicitly protect non-combatants.



¹⁰Baugh, Sue. "Proxy War | Armed Conflict." *Encyclopædia Britannica*, 2019, www.britannica.com/topic/proxy-war.

¹¹"Convention (IV) Relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949." *Icrc.org*, 12 Aug. 1949, <u>ihl-databases.icrc.org/en/ihl-treaties/gciv-1949</u>.

¹²Shaw, Malcolm. "Geneva Conventions | 1864–1977." *Encyclopædia Britannica*, 26 Dec. 2018, www.britannica.com/event/Geneva-Conventions.

The Impact of World War II and the Holocaust

The Second World War is considered a turning point in the evolution of IHL. The extreme violence against civilians during the war, namely indiscriminate bombings of civilian areas and the systematic genocide of a variety of marginalised groups during the Holocaust, 13 made it clear to the international community that there is a large need for an international framework or a convention on the matter. Civilians were not merely collateral damage; they became intentional targets of state violence. The post-war Nuremberg Trials (1945-46) introduced the legal concept of "crimes against humanity"14, highlighting that atrocities against civilians, even during wartime, were subject to legal accountability and should be punished. The trials also followed the principle that individuals, including heads of state and military officials, could be held responsible for such crimes. More specifically, from December 1946 to April 1949, twelve additional military tribunals for war crimes against Nazi Germany leaders were held by the United States in the Palace of Justice, with the defendants being "177 high-ranking physicians, judges, industrialists and police commanders, military personnel, civil servants, and diplomats". Of the 177 defendants, "24 were sentenced to death, 20 to lifelong imprisonment, and 98 other prison sentences, while twenty-five defendants were found not guilty. Thirteen of the 24 death sentences were executed."15 This brutal situation reinforced the urgency of codifying protections for civilians into international law.

<u>Drafting and Adoption of the Fourth Geneva Convention</u>

Motivated by these experiences, the international community gathered in Geneva in 1949 for a diplomatic conference that aimed at revising and expanding the Geneva Conventions. The International Committee of the Red Cross (ICRC) played a leading role, which it still has today, in drafting the new text, emphasising the need to fill the gaps in existing humanitarian law. A lot of negotiations had passed when the Fourth Geneva Convention relative to the Protection of Civilian



¹³United States Holocaust Memorial Museum. "Victims of the Nazi Era: Nazi Racial Ideology." *Holocaust Encyclopedia* , 20 Sept. 2024, encyclopedia.ushmm.org/content/en/article/victims-of-the-nazi-era-nazi-racial-ideology.

¹⁴TRIAL International. "Crimes against Humanity - TRIAL International." *TRIAL International*, 2016, trialinternational.org/topics-post/crimes-against-humanity/.

¹⁵The National WWII Museum. "The Nuremberg Trials." *The National WWII Museum | New Orleans*, The National WWII Museum, 2025, www.nationalww2museum.org/war/topics/nuremberg-trials.

Persons in Time of War was adopted on 12 August 1949. At the same time, revisions of the past conventions were also introduced.¹⁶

The most important and innovative aspect of the Convention was the fact that it established a comprehensive legal regime for the treatment of civilians during both international conflicts and military occupations. Its provisions include protections against violence, deportation, collective punishment, and discrimination. It also argues in favour of the humane treatment of civilians, the provision of medical care, and the rights of internees, while setting obligations for occupying powers. The general provisions of the Convention (Articles 1–12) establish that all signatory states are bound to respect and ensure respect for the Convention in all circumstances. These provisions also define the scope of application and reaffirm the neutral and humanitarian role of the ICRC. With 159 articles, the Convention provided the most detailed legal framework for civilian protection at the time and remains one of the most important Conventions of all time.¹⁷

Challenges to Compliance

Even though the Fourth Geneva Convention obliges Signatory States to prosecute grave breaches, in practice, enforcement is inconsistent, as it often is when it comes to international law. There is a lack of capacity, independence, and willingness to investigate and prosecute violations in many domestic judicial systems of countries, especially when alleged perpetrators are military or political elites. As it is widely known and also written in a very popular case study for the war in Ukraine: "as much as international policy has helped develop relations between states, and aided progress by creating rules for international conduct, this system is not perfect and requires many reforms and improvements, particularly in how it is enforced." Even when evidence of violations exists and are public, prosecutions are often delayed or abandoned due to political considerations, more specifically for the protection of Political or Military Leaders or out of fear of damaging diplomatic or military relationships. Some countries even tend to delay the whole process so that evidence will be forgotten and not taken into consideration later.



¹⁶"ICC Legal Tools." Legal-Tools.org, 2025, www.legal-tools.org/doc/d5e260. Accessed 16 July 2025.

¹⁷United Nations. *Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War,* Doc. 33 GC-IV-EN. United Nations, 12 August 1949. PDF. Accessed 5 Aug. 2025

¹⁸Denegre, Luana. The Issue of Enforcement in International Law: A Case Study of the Issue of Enforcement in International Law: A Case Study of the War in Ukraine the War in Ukraine. 19 May 2023.

At the international level, institutions such as the International Criminal Court (ICC) play an important role, but their jurisdiction is limited to states that have ratified the Rome Statute, namely 196 UN member States, including the Holy See and the State of Palestine; thus, enforcement depends heavily on cooperation among States. Furthermore, Article 90 of the First Additional Protocol to the Geneva Conventions allows the establishment of the International Fact-Finding Commission (IFFC).¹⁹ However, this mechanism is rarely used largely due to the requirement of prior state consent and its economic considerations. The lack of compulsory, universally accessible accountability structures undermines international law and puts international security in danger.

Case Studies

The Israeli Occupation of the Palestinian Territories

Since the 1967 Six-Day War, Israel has maintained a military occupation over the West Bank, East Jerusalem, and the Gaza Strip, all territories with a significant Palestinian civilian population. Whether the Fourth Geneva Convention has been violated by both parties during that conflict has been at the centre of intense international debate. The international community, including the International Court of Justice (ICJ) and the United Nations, does not hold the Convention applicable, particularly Article 49, which prohibits the transfer of the occupying power's civilian population into the occupied territory.

Despite this, Israel still disputes the formal applicability of the Convention, saying that the territories were "not under the legitimate sovereignty of another state before occupation." Regardless, even if applicability is contested, Article 1 of the Convention obliges states to respect and ensure respect for its provisions in all circumstances, reinforcing the expectation of compliance. Grave breaches of the International Humanitarian Law in this case, include "damage and destruction of private property, misuse of public property, displacement of Palestinians as well as Israeli settlers' violence against Palestinians and their property" as also mentioned by the ICRC.



¹⁹icrc.org, 2025, ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-90.

²⁰"Israel and the Occupied Palestinian Territory: The Law of Occupation Must Be Respected." *International Committee* of the Red Cross, 20 July 2024, www.icrc.org/en/statement/israel-and-occupied-palestinian-territory-law-occupation-must-be-respected.

²¹Ibid.

Even though international monitoring bodies, such as the UN Human Rights Council and NGOs like B'Tselem and Human Rights Watch, have managed to document persistent and systematic violations, accountability mechanisms remain weak due to geopolitical constraints, including diplomatic shielding in international bodies like the UN Security Council. This case proves once again that, although the Signatory States are a lot, most of them do not comply with the law.

The Conflict in Syria

The Syrian Civil War, which began in 2011, represents one of the most severe humanitarian crises of our century and a stark example of widespread non-compliance with the Fourth Geneva Convention. There are multiple actors and States involved in this specific conflict, including the Syrian government, rebel groups, extremist factions, and foreign powers, making it both a civil war and a proxy conflict. During this conflict, civilians were treated extremely inhumanely by armed groups, with hundreds of thousands killed and millions displaced. More specifically, "more than 580,000 people were killed and 13 million Syrians forcibly displaced during the first ten years of the conflict, according to the Human Rights Council-mandated Commission of Inquiry (CoI) on Syria."²² As the UN explains, the situation there could only be described by "unimaginable violence and indignities".²³

Grave breaches of the Convention have been widely documented and reported. These violations of the law include the targeting of hospitals and schools, the utilisation of chemical weapons, forced displacement, torture, and sieges of civilian populations. The Syrian government, namely the al-Assad regime, has been accused by the UN Independent International Commission of Inquiry on Syria of crimes against humanity and war crimes. Enforcement of compliance has been hampered by political stalemate at the international level, particularly within the UN Security Council, where vetoes by key allies (notably Russia and China) have blocked accountability mechanisms. Even though the International, Impartial and Independent Mechanism (IIIM)²⁴ and other organs were established to collect evidence for future prosecutions, legal action has been limited.



²²Global Centre for the Responsibility to Protect. "Syria." *Global Centre for the Responsibility to Protect*, 14 Mar. 2025, www.globalr2p.org/countries/syria/.

²³"Syria: Grim 10-Year Anniversary of "Unimaginable Violence and Indignities."" *UN News*, 15 Mar. 2021, news.un.org/en/story/2021/03/1087402.

²⁴"Home - IIIM International, Impartial and Independent Mechanism." *IIIM*, <u>iiim.un.org/</u>.

Timeline

Date	Description of event
22 August 1864	Adoption of the First Geneva Convention, focused on the care of wounded soldiers
6 July 1906	The Second Geneva Convention expands on the 1864 treaty
27 July 1929	Third Geneva Convention adopted, focusing on the treatment of prisoners of war
20 November 1945	Opening of the Nuremberg Trials, introducing the concept of 'crimes against humanity'
12 August 1949	Adoption of the Fourth Geneva Convention, protecting civilians during war and occupation
6 July 1951	Israel ratifies the Fourth Geneva Convention, though later disputes its applicability in occupied territories
5-10 June 1967	Six-Day War; Israel occupies Gaza, West Bank, East Jerusalem—triggering IHL controversy
8 June 1977	Adoption of Additional Protocols I & II to the Geneva Conventions
28 April 2004	Abu Ghraib prison abuse scandal becomes public; US accused of violating Geneva norms
15 March 2011	The Syrian Civil War begins, later marked by widespread war crimes against civilians



24 February 2022	Russia launches a full-scale invasion of Ukraine, leading to mass IHL violations
7 April 2022	Russia was suspended from the UN Human Rights Council by General Assembly vote (93–24)

Major Countries, Organisations, and Alliances

Israel

Since Israel's occupation of the West Bank, East Jerusalem, and Gaza, which resulted in the 1967 Six-day War, Israel's involvement in the issue of compliance with the Fourth Geneva Convention has been widely scrutinised. Even though Israel ratified the Convention in 1951,²⁵ it maintains that its set of rules does not apply to these specific territories. It argues that they were not under the legitimate sovereignty of any State before their occupation. Its position was rejected by the organisation of the UN as well as the International Committee of the Red Cross, since they assert that the Convention is fully applicable to these regions. Israel has undertaken multiple actions that are held as violations and grave breaches of the Convention, with the establishment and ongoing expansion of settlements in occupied territory, which highly contravenes Article 49(6) being the most notable one. In addition to that, military operations, like the Operation Cast Lead from 2008 until 2009 and the Operation Protective Edge in 2014, have led to allegations of breaches related to the protection of civilian infrastructure and the principles of distinction and proportionality.²⁶ Moreover, a violation of the Convention has been the demolition of Palestinian homes as well as the "forcible" transfer of residents in areas such as East Jerusalem or Area C.²⁷ Even though Israel still believes that many of these moves are necessary for international and regional security, the United Nations as well as the



²⁵"Israeli Occupation and International Humanitarian Law - Conf. Of High Contracting Parties to 4th Geneva; Convention - Paper by Palestine/Non-UN Document." *Question of Palestine*, 15 July 1999, www.un.org/unispal/document/auto-insert-199015/.

²⁶Alam, Kazim. "This Is How Israel Has Violated the Geneva Conventions for 75 Years." *Trtworld.com*, TRT WORLD,

12 Aug. 2024,

www.trtworld.com/magazine/this-is-how-israel-has-violated-the-geneva-conventions-for-75-years-18194934.

²⁷Ibid.

Committee of the Red Cross and other legal experts, hold the country accountable for all these breaches of the International Humanitarian Law.²⁸

Russia

Russia's involvement in the conflict in Ukraine has become one of the most discussed and criticised cases concerning compliance with the Fourth Geneva Convention. Although Russia is one of the Signatory States of the Convention and is obliged to protect non-combatants during times of war, conflicts as well as occupation, there have been several reports from the United Nations and other Non-Governmental Organisations (NGOs), that Russia has proceeded a lot of times with violations of the Convention. During the past few years, Russia has attacked civilian infrastructure and forced the deportation of Ukrainian citizens, including children. One of the most well-known incidents has been the mass transfer of children to Russian-controlled areas in 2022 and 2023.²⁹ This has led the International Criminal Court (ICC) to issue an arrest warrant for the President of Russia in 2023, owing to grave breaches of Articles 49 and 147.30 Thus, the international community has acted against Russia, aiming to show respect for the preservation of international security. More specifically, the UN General Assembly voted on April 7 of 2022, to suspend Russia from the Human Rights Council, while there has been a monitoring mission in Ukraine and Russia since 2022 to ensure that no more violations of the Convention happen.³¹ All in all, the UN, as well as the international community, have tried hard to condemn Russia's actions and ensure that no more breaches happen on its side. However, Russia still believes that its actions were lawful and not violations of the Fourth Geneva Convention, but the international community highly disagrees with it.



²⁸United Nations. "Question of the Observance of the Fourth Geneva Convention of 1949 in OPT - CEIRPP, DPR Study." *Question of Palestine*, 1979, www.un.org/unispal/document/auto-insert-200116/.

²⁹Raymond, Nathaniel, and Caitlin Howarth. "Fact Sheet: Russia's Kidnapping and Re-Education of Ukraine's Children." *Yale School of Medicine*, 17 Mar. 2025, medicine.yale.edu/news-article/fact-sheet-russias-kidnapping-and-re-education-of-ukraines-children/.

³⁰International Criminal Court. "Situation in Ukraine: ICC Judges Issue Arrest Warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova." *International Criminal Court*, 17 Mar. 2023, www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vladimirovich-putin-and.

³¹Nordic Editor. "UN General Assembly Votes to Suspend Russia from the Human Rights Council." *United Nations Western Europe*, 8 Apr. 2022, <u>unric.org/en/un-general-assembly-votes-to-suspend-russia-from-the-human-rights-council/</u>.

United States of America

The United States, one of the oldest Signatory States of the Fourth Geneva Convention, have in general upheld its provisions, and for years the country has managed to ensure its compliance. However, there have been some specific incidents that were internationally criticised and raised some concerns about compliance. In the early 2000s, during the Iraq War, some reports emerged that the US forces mistreated some detainees at the Abu Ghraib prison in 2003-2004.³² As it is also written on the official site of Human Rights Watch: "When the first photographs appeared of U.S. military personnel humiliating, torturing, and otherwise mistreating detainees at Abu Ghraib prison in Iraq, the United States government has repeatedly sought to portray the abuse as an isolated incident, the work of a few 'bad apples' acting without orders."33 Although the US tried extremely hard to hide such incidents, they were still held as violations and breaches of Articles 147 and 3 of the Convention.³⁴ A similar international outcry was also raised regarding Guantánamo Bay, where detainees were held under conditions widely seen as inconsistent with international humanitarian law. After these incidents, only "low-ranking" military personnel faced consequences, while investigations into the matter began, which weren't really helpful. The ICC could unfortunately not act, seeing as the US is not a party to the Rome Statute, making it harder to find more evidence and hold more people accountable for the violations of the International Humanitarian Law.

International Committee of the Red Cross (ICRC)

The International Committee of the Red Cross (ICRC), which was founded in 1863 in Geneva, Switzerland, by Henri Dunant and a group of Swiss citizens, is the primary guardian of all the Geneva Conventions and International Humanitarian Law.³⁵ "It is a neutral, independent organisation ensuring humanitarian protection and assistance for people affected by armed conflict and other violence." ³⁶All State parties or other Signatory States to the Geneva Convention of 1949, as well as to



³²Brody, Reed. "The Road to Abu Ghraib." *Human Rights Watch*, 8 June 2004, www.hrw.org/report/2004/06/09/road-abu-ghraib.

³³ Ibid.

³⁴AMNESTY INTERNATIONAL PRESS RELEASE USA: Pattern of Brutality and Cruelty --War Crimes at Abu Ghraib. 7 May 2004.

³⁵International committee of the red cross. "Our Fundamental Principles | ICRC." *Www.icrc.org*, 10 May 2016, www.icrc.org/en/our-fundamental-principles.

³⁶ Ibid.

the additional protocols of 1977 and 2005, have actually given the ICRC a mandate to protect their civilians in times of war and stand for the victims of armed conflicts. Thus, the ICRC plays a vital role in ensuring the full compliance of Signatory States with the Fourth Geneva Convention. Owing to its neutrality and independence, the ICRC monitors the conditions in all conflict zones around the world. It aims to visit prisoners, detainees, and civilians and ensure that no breaches of the International Humanitarian Law have been made. In addition to that, it offers assistance to every country that needs it as well as humanitarian guidance to parties that are involved in armed conflicts. Although the ICRC does not hold any enforcement power, it has managed to urge States to show respect to the international humanitarian law through dialogue and persuasion, while its admirable reputation also plays a vital role in its achievements throughout the years. Some of its most effective distributions in the past have been the ones in Syria, Ukraine, Iraq, Israel and the Occupied Palestinian Territories, where the ICRC has undertaken very important actions that played a huge role in global security. Furthermore, the ICRC encourages legal education and disseminates reports on violations, while it submits confidential findings to not only governments but also the UN to promote accountability and trust.

Amnesty International

Amnesty International is a global non-governmental organisation that was founded in 1961 and is focused on the preservation of fundamental human rights and their protection from any breaches of the International Humanitarian Law, including the Geneva Conventions. It may not hold any legal authority, but it plays a vital role when it comes to documenting violations, publishing detailed investigation reports, and promoting accountability, one of its main goals. One of its achievements so far has been to effectively address serious violations of the Fourth Geneva Convention in Israel and the Occupied Palestinian Territories, in Russia's actions in Ukraine, and the breaches of the U.S. in Iraq and Guantanamo Bay.³⁷ In addition to that, as Amnesty International also highlights on its official site, the organisation identifies weapons and munitions and analyses their effects, while it also utilises "cutting-edge techniques to analyse satellite imagery and verify digital evidence, such as videos and photographs uploaded by witnesses, to expose and corroborate human rights violations



³⁷"Amnesty International Für Menschenrechte | Deutsche Website." Www.amnesty.de, www.amnesty.de/.

in armed conflicts around the world."³⁸ Moreover, Amnesty International has also exerted pressure on governments and other international bodies to ensure that they uphold their treaty obligations through various ways, such as campaigns, public reports and other legal recommendations. Although it does not directly operate "on the ground," it is an organisation of utmost importance when it comes to ensuring the compliance of the Signatory States to the Fourth Geneva Convention and to the International Humanitarian Law.

Previous Attempts to Solve the Issue

ICRC's Diplomatic Engagements

Owing to its neutrality, impartial character, as well as its confidential efforts, the International Committee of the Red Cross (ICRC) plays a vital role in ensuring compliance with the Fourth Geneva Convention. As it is also presented on their official site: "Because we are neutral, impartial and independent, we can reach those who need us when others cannot, providing humanitarian assistance, protecting lives, upholding rights, and relieving the suffering of people around the world whose lives have been torn apart by armed conflict and violence."39 As the legal guardian of International Humanitarian Law (IHL), the ICRC has direct communication with States, not only in peacetime but also during armed conflicts, to make sure that they are always aware of their obligations to provide legal and operational guidance. They often lead confidential dialogues with state authorities and armed forces, bilateral meetings, diplomatic notes, and field missions. While this quiet diplomacy approach allows for access and cooperation, it has also been subject to criticism for lacking transparency and for not publicly pressuring states involved in systematic violations. The ICRC's refusal to publicly name and shame can result in less immediate political accountability. The ICRC has control over the treatment of civilians and detainees during conflicts, offering its services to protect them under the Convention's provisions. They often cooperate with other organisations and authorities to ensure that there is transparency and accountability. Although it does not publicly condemn grave breaches, the ICRC makes use of "quiet diplomacy" to persuade states to rectify



³⁸Amnesty International. "Armed Conflict." *Www.amnesty.org*, 2024, www.amnesty.org/en/what-we-do/armed-conflict/.

³⁹ICRC. "International Committee of the Red Cross." *International Committee of the Red Cross*, ICRC, 31 Aug. 2016, www.icrc.org/en.

violations of the law. This strategy maintains trust and access, which are prominent for its action in conflict zones. Even though it's limited in terms of enforcement, ICRC diplomacy often results in tangible improvements in compliance and humanitarian access.⁴⁰ However, the effectiveness of this strategy mostly depends on the willingness of states to engage in good faith; thus in cases where access is denied or violations are ignored, the ICRC's influence is significantly weakened.

Investigations and Commissions of Inquiry

Commissions of Inquiry (CoIs) and other investigative mechanisms serve as formal tools for the examination of alleged violations of the Fourth Geneva Convention. These mechanisms are typically established by international bodies such as the United Nations Human Rights Council (UNHRC) or the UN General Assembly, sometimes following reports of serious humanitarian breaches during armed conflicts. The inquiries have to gather as many facts as possible, document abuses, and identify perpetrators. Their main goal is actually to promote accountability and transparency in our society. For example, CoIs have been established in regions such as Syria, Gaza, and South Sudan, where systematic violations against civilians were reported. CoI findings may not be legally binding; however, they engage international awareness, pressure states to take action, and often lead to recommendations for judicial proceedings. Article 90 of Additional Protocol I to the Geneva Conventions also establishes the International Fact-Finding Commission (IFFC), though its use has been limited. These investigative efforts are prominent in ensuring compliance with the Fourth Geneva Convention and the International Humanitarian Law.

Universal Periodic Review

"The Universal Periodic Review (UPR), established in March 2006 by the UN General Assembly in resolution 60/251, is a unique mechanism of the Human Rights Council that calls for each UN



⁴⁰X (Formerly Twitter), 2025, x.com/icrc?lang=de. Accessed 16 July 2025.

⁴¹COMMISSIONS of INQUIRY and FACT-FINDING MISSIONS on INTERNATIONAL HUMAN RIGHTS and HUMANITARIAN LAW GUIDANCE and PRACTICE.

⁴²"International Meeting on the Convening of the Conference on Measures to Enforce the Fourth Geneva Convention (Cairo, 14-15 June 1999) - Report - DPR Publication - Question of Palestine." *Question of Palestine*, 2019, www.un.org/unispal/document/auto-insert-208107/. Accessed 16 July 2025.

Member State to undergo a peer review of its human rights records every 4.5 years."⁴³ Even though it is not entirely focused on the Geneva Conventions, the UPR provides an indirect mechanism for ensuring compliance with the Fourth Geneva Convention, especially when it comes to civilian protection during armed conflict, detention conditions, and access to humanitarian assistance. During the review, other states can question and recommend improvements related to IHL compliance of each State. Civil society organisations, including the ICRC and NGOs, also can share their findings, namely reports or participate in stakeholder consultations, highlighting issues like mistreatment of civilians and detainees or displacement. Although the UPR is non-adversarial and cooperative, its public nature encourages states to think of their international obligations, including those under the Geneva Conventions.⁴⁴ All in all, the UPR has effectively brought public and diplomatic attention to violations of the Geneva Conventions, especially regarding the treatment of civilians during conflict, while States like Israel, Syria, Myanmar, and Russia have faced peer scrutiny through UPR sessions concerning violations of IHL in occupied territories or active conflict zones.

Possible solutions

Strengthening International Monitoring and Detection Mechanisms

One very prominent possible solution to ensure compliance with the Fourth Geneva Convention is to enhance the capacity and independence of international monitoring bodies. Organisations such as the International Committee of the Red Cross (ICRC), UN Human Rights Council, and various Commissions of Inquiry (Cols) play important roles in observing and reporting on potential violations. However, many of these mechanisms face challenges such as restricted access to conflict zones. Thus, it is a matter of utmost importance to strengthen these bodies through increased funding, mandates, and field access, as well as empowering neutral observers to operate in high-risk areas. Giving such organisations the chance to operate smoothly without facing such problems could change a lot. A treaty could be established which sets specific rules for the monitoring and detection mechanisms and what they are allowed to do in every case.



⁴³United Nations Human Rights Council. "Universal Periodic Review." *OHCHR*, 2025, www.ohchr.org/en/hr-bodies/upr/upr-home.

⁴⁴UN Human Rights Council. "The Universal Periodic Review Is Crucial to Assess Our Progress in Human Rights." *YouTube*, 24 Apr. 2025, www.youtube.com/watch?v=ppmRW-KgBl8. Accessed 16 July 2025.

Improving Accountability Mechanisms

Even when violations are detected, a lack of accountability and transparency results in continued breaches of the Convention. Therefore, another vital solution is to improve both national and international accountability systems. At the domestic level, Signatory States must be required to incorporate the Geneva Convention obligations into their national legislation and ensure that independent courts can prosecute war crimes. At the international level, institutions such as the International Criminal Court (ICC) and the International Court of Justice (ICJ) need broader jurisdiction and stronger enforcement capacity. Greater political will is also needed to overcome the misuse of veto power in bodies like the UN Security Council, which often shields violators from consequences. Having the ability to hold the correct person or the correct group of people accountable will ensure the fact that huge global powers and their politicians, as well as military personne, I follow the set of rules and stop violating the international humanitarian law. In addition to that, if something like that happens, then respect is shown towards international law and the global community.

The Use of Advanced Technology for Evidence Preservation and Legal Admissibility

Advanced modern technology not only enhances monitoring but also plays a vital role in the preservation and legal admissibility of evidence related to violations of the Fourth Geneva Convention. Satellite imagery, drones, artificial intelligence (AI), and open-source intelligence (OSINT) could be used to monitor real-time developments in conflict zones, verify and report war crimes, and collect admissible evidence. Human rights organisations like Amnesty International already make use of such tools to analyse destruction, map troop movements, and verify video/photo authenticity. However, to move from documentation to justice, international legal bodies must establish standardised protocols for digital evidence collection, authentication, and secure storage. Moreover, digital platforms can help store information securely among international legal bodies. If organisations were to use more advanced technology systems for their evidence-finding or prosecuting war crimes, then the whole process would be easier.



Bibliography

Icrc.org, 2024, ihl-databases.icrc.org/en/customary-ihl/v1/rule144.

- Alam, Kazim. "This Is How Israel Has Violated the Geneva Conventions for 75 Years." *Trtworld.com*, TRT WORLD, 12 Aug. 2024, www.trtworld.com/magazine/this-is-how-israel-has-violated-the-geneva-conventions-for-75-years-18194934.
- Amnesty International. "Armed Conflict." Www.amnesty.org, 2024, www.amnesty.org/en/what-we-do/armed-conflict/.
- "Amnesty International Für Menschenrechte | Deutsche Website." Www.amnesty.de,
 www.amnesty.de/.
- AMNESTY INTERNATIONAL PRESS RELEASE USA: Pattern of Brutality and Cruelty --War Crimes at Abu

 Ghraib. 7 May 2004,

 www.amnesty.org/en/wp-content/uploads/2021/09/amr510772004en.pdf.
- Baugh, Sue. "Proxy War | Armed Conflict." *Encyclopædia Britannica*, 2019, www.britannica.com/topic/proxy-war.
- Brody, Reed. "The Road to Abu Ghraib." *Human Rights Watch*, June 2004, www.hrw.org/report/2004/06/09/road-abu-ghraib.
- Chiang, Frank. "US Policy on Taiwan." *Elsevier EBooks*, Elsevier BV, Jan. 2018, pp. 305–16, https://doi.org/10.1016/b978-0-08-102314-3.00010-0. Accessed 16 July 2025.
- COMMISSIONS of INQUIRY and FACT-FINDING MISSIONS on INTERNATIONAL HUMAN RIGHTS and HUMANITARIAN LAW GUIDANCE and PRACTICE.

 www.ohchr.org/sites/default/files/Documents/Publications/Col Guidance and Practice.pdf.
- Denegre, Luana. The Issue of Enforcement in International Law: A Case Study of the Issue of Enforcement in International Law: A Case Study of the War in Ukraine the War in Ukraine. 19

 May 2023, repository.usfca.edu/cgi/viewcontent.cgi?article=1056&context=honors.



European Commission. "International Humanitarian Law."

**Civil-Protection-Humanitarian-Aid.ec.europa.eu,

**civil-protection-humanitarian-aid.ec.europa.eu/what/humanitarian-aid/international-human

itarian-law_en.

"Home - IIIM International, Impartial and Independent Mechanism." IIIM, iiim.un.org/.

"ICC Legal Tools." Legal-Tools.org, 2025, www.legal-tools.org/doc/d5e260. Accessed 16 July 2025.

- ICRC. "International Committee of the Red Cross." *International Committee of the Red Cross*, ICRC, 31 Aug. 2016, www.icrc.org/en.
- ---. "Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977."

 Icrc.org, 2023, ihl-databases.icrc.org/en/ihl-treaties/apii-1977.
- International Committee of the Red Cross. "Convention (IV) Relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949." *Icrc.org*, 12 Aug. 1949, ihl-databases.icrc.org/en/ihl-treaties/gciv-1949.
- ---. "Convention (IV) Relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949." *Icrc.org*, 12 Aug. 1949, ihl-databases.icrc.org/en/ihl-treaties/gciv-1949.
- ---. "Israel and the Occupied Palestinian Territory: The Law of Occupation Must Be Respected."

 International Committee of the Red Cross, 20 July 2024,

 www.icrc.org/en/statement/israel-and-occupied-palestinian-territory-law-occupation-must-b

 e-respected.
- ---. "Israel and the Occupied Palestinian Territory: The Law of Occupation Must Be Respected."

 **International Committee of the Red Cross, 20 July 2024,

 **www.icrc.org/en/statement/israel-and-occupied-palestinian-territory-law-occupation-must-b

 e-respected.
- International committee of the red cross. "Our Fundamental Principles | ICRC." Www.icrc.org, 10 May 2016, www.icrc.org/en/our-fundamental-principles.



- "International Committee of the Red Cross: Origins, Structure and Activities." BYJUS, byjus.com/free-ias-prep/international-committee-of-the-red-cross/.
- International Criminal Court. "Situation in Ukraine: ICC Judges Issue Arrest Warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova." International Criminal Court, 17 Mar.

 2023,

 www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vla dimirovich-putin-and.
- "International Meeting on the Convening of the Conference on Measures to Enforce the Fourth Geneva Convention (Cairo, 14-15 June 1999) Report DPR Publication Question of Palestine." Question of Palestine, 2019, www.un.org/unispal/document/auto-insert-208107/. Accessed 16 July 2025.
- "Israeli Occupation and International Humanitarian Law Conf. Of High Contracting Parties to 4th Geneva; Convention Paper by Palestine/Non-UN Document." *Question of Palestine*, 15 July 1999, www.un.org/unispal/document/auto-insert-199015/.
- "Non-State Armed Group | DONARE." Donare.info, 2022, donare.info/en/glossary/non state armed group. Accessed 16 July 2025.
- Nordic Editor. "UN General Assembly Votes to Suspend Russia from the Human Rights Council."

 **United Nations Western Europe, 8 Apr. 2022,

 unric.org/en/un-general-assembly-votes-to-suspend-russia-from-the-human-rights-council/.
- Raymond, Nathaniel, and Caitlin Howarth. "Fact Sheet: Russia's Kidnapping and Re-Education of Ukraine's Children." *Yale School of Medicine*, 17 Mar. 2025, medicine.yale.edu/news-article/fact-sheet-russias-kidnapping-and-re-education-of-ukraines-children/.
- Shaw, Malcolm. "Geneva Conventions | 1864–1977." Encyclopædia Britannica, 26 Dec. 2018, www.britannica.com/event/Geneva-Conventions.
- "Syria: Grim 10-Year Anniversary of 'Unimaginable Violence and Indignities." UN News, 15 Mar. 2021, news.un.org/en/story/2021/03/1087402.



- The National WWII Museum. "The Nuremberg Trials." *The National WWII Museum | New Orleans*,

 The National WWII Museum, 2025,

 www.nationalww2museum.org/war/topics/nuremberg-trials.
- TRIAL International. "Crimes against Humanity TRIAL International." *TRIAL International*, 2016, trialinternational.org/topics-post/crimes-against-humanity/.
- UN Human Rights Council. "The Universal Periodic Review Is Crucial to Assess Our Progress in Human Rights." *YouTube*, 24 Apr. 2025, www.youtube.com/watch?v=ppmRW-KgBl8. Accessed 16 July 2025.
- United Nations. "Question of the Observance of the Fourth Geneva Convention of 1949 in OPT CEIRPP, DPR Study." *Question of Palestine*, 1979, www.un.org/unispal/document/auto-insert-200116/.
- United Nations Human Rights Council. "Universal Periodic Review." *OHCHR*, 2025, www.ohchr.org/en/hr-bodies/upr/upr-home.
- International Committee of the Red Cross. *Icrc.org*, 2025, <u>ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-90</u>.

X (Formerly Twitter), 2025, x.com/icrc?lang=de. Accessed 16 July 2025.

